



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

BY ECF

Hon. Andrew L. Carter, Jr.
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

October 7, 2021

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC#: _____

DATE FILED: 10/8/21

Re: *Everytown for Gun Safety Support Fund et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives et al.*, 21 Civ. 0376 (ALC)

Dear Judge Carter:

I write respectfully on behalf of all parties in this case to request a temporary stay of the remaining briefing schedule in this matter, *see* ECF No. 43, in which plaintiffs are challenging the grant of a federal firearms manufacturing license by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) to a Nevada entity named JA Industries LLC (“JA Industries”). Plaintiffs argue, among other things, that the owner of JA Industries, Pablo Jimenez, was ineligible for a license because of previous violations of the Gun Control Act, including allegedly false statements he made to ATF regarding the ownership and control of a prior company, failure to abide by statutory and regulatory recordkeeping requirements, and sales from his prior company to a firearms trafficker. *See* 18 U.S.C. § 923(d)(1)(C), (D). Plaintiffs claim that ATF should not have granted the license in light of these and other issues.

ATF has since voluntarily agreed to conduct an inspection of JA Industries. The inspection began on October 4, and is expected to last approximately two months. At the conclusion of the inspection, ATF will decide whether revocation of JA Industries’ license is warranted. *See id.* § 923(e). The parties will then meet and confer regarding whether any further litigation is required, and if so, on what schedule.

In the interim, the parties respectfully propose that they provide monthly status reports to the Court regarding the inspection and the parties’ discussions beginning on November 12, 2021, with a further report within three weeks of the conclusion of the inspection, at which time they will propose next steps. The parties reserve the right to write to the Court at other times should the need arise, such as if the inspection is not concluded within a reasonable time period.

I thank the Court for its consideration of this matter.

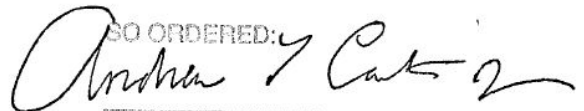
Respectfully,

AUDREY STRAUSS
United States Attorney

By: s/Jean-David Barnea
JEAN-DAVID BARNEA
Assistant United States Attorney
Telephone: (212) 637-2679
Email: Jean-David.Barnea@usdoj.gov

cc: Counsel for plaintiffs (by ECF)

**The request for a temporary stay of
the briefing schedule is GRANTED.
A joint status report is due on
November 12, 2021.**

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: October 8, 2021